UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

MICHAEL VALICENTI, : CASE NO. 3:05CV761

Petitioner,

vs. OPINION AND ORDER

: [Resolving Doc. Nos. 1, 8, 9]

ROB JEFFREYS, Warden,

Respondent.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Before the Court is the Magistrate Judge's Report and Recommendation [Doc. 9] on Michael Valicenti's petition for writ of habeas corpus [Doc. 1] and Respondent Rob Jeffreys' motion to dismiss. [Doc. 8]. In his motion to dismiss, the respondent generally argued that the petition was time-barred and that petitioner procedurally defaulted his grounds for relief. The petitioner did not oppose the motion to dismiss. The Court referred the respondent's motion to Magistrate Judge George J. Limbert for a Report and Recommendation pursuant to Local Rule 72.2. [Doc. 4]. After conducting a thorough analysis of the petition and the respondent's motion, on February 9, 2006, Magistrate Judge Limbert recommended that this Court grant the motion to dismiss. Neither party objects to the Magistrate Judge's recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of the Report to which an objection has been made. 28 U.S.C. § 636(b)(1). Having conducted its own review of the parties' briefs on the issue, this Court agrees with the conclusions

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of the Magistrate Judge, and adopts the Report and Recommendation as its own.

Therefore, the Court adopts in whole Magistrate Judge Limbert's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court grants the respondent's motion to dismiss.

Conclusion

For the reasons discussed above, the Court **GRANTS** the respondent's motion to dismiss.

[Doc. 8]. Accordingly, this action is terminated pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.

Dated: April 11, 2006 s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE